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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,199

11/01/2006

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EXAMINER

DEMILLE, DANTON D

ART UNIT

PAPER NUMBER

3771

MAIL DATE

DELIVERY MODE

04/22/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,199	Applicant(s) KATSUKAWA ET AL.	
	Examiner Danton DeMille	Art Unit 3771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8,10,11 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-8,10,11 and 13-17 is/are allowed.
- 6) ☒ Claim(s) 2,18 and 19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

Claims 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rolando et al. (US 4,485,503).

Rolando teaches in figure 3, for example, a container body for accommodating the foot of a user and a foot-front water spouting section 143 for spouting water toward a front side of the foot. The foot-front water spouting section is configured to spout water toward only a portion of a top foot-front area from the topmost nozzle. As can be seen by arrows 120 the topmost nozzle sprays upwardly against the top panel 124 and downward toward the ankle. Because of the circular spray pattern it would also spray across substantially the entire foot width. Therefore this nozzle spouts water toward only a portion of the length of the top of the foot which is the rearmost portion of the top of the foot. This area is relatively narrow in longitudinal direction as compared to the foot-width direction.

Rolando also teaches a water-spouting section direction moving mechanism by the rotating mechanism in manifold 143. As a water nozzle rotates from a lower portion on one side of the foot to an upper portion and back down on the other side of the foot it would move the direction of water spouting along a longitudinal direction.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahn (US 6,602,212) in view of Guzzini (WO 423852).

Ahn teaches a foot water-spouting device comprising a top-foot water spouting section 150 on support 110 which is configured to spout water onto a top-front portion of the user's foot. It is configured to spray a band that extends across substantially the entire foot width but only

along a limited transverse longitudinal foot dimension because it is located over the toes of the foot. It would not cover the entire longitudinal dimension of the foot.

Guzzini teaches a foot water-spouting device comprising a foot water spouting section 15. Guzzini teaches the foot water spouting section 15 has a moving mechanism, not shown, that moves the water spouting section in a circular pattern that would also move the spouting section along the longitudinal foot dimension, thereby causing the band area to move in the longitudinal direction while spouting water.

While Ahn teaches a stationary water spouting section 150, Guzzini teaches the advantage of moving the spouting section so as to provide a massaging action at the same time. it would have been obvious to one of ordinary skill in the art to modify Ahn to replace the spouting section 150 with the spouting section 15 of Guzzini so as to provide a moving water spouting section to provide a massaging action.

Claims 1, 4-8, 10, 11, 13-17 are allowable over prior art to which the examiner is aware.

Response to Arguments

Applicant's arguments with respect to claims 2, 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danton DeMille whose telephone number is (571) 272-4974. The examiner can normally be reached on M-F from 8:30 to 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu, can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

21 April 2011

/Danton DeMille/
Danton DeMille
Primary Examiner
Art Unit 3771

